

[ECF No. 57]

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

IN RE PLUM BABY FOOD LITIGATION

THIS DOCUMENT RELATES TO:

Civil No. 21-2417 (NLH/SAK)

ALL ACTIONS

**ORDER APPOINTING PLAINTIFFS' INTERIM CO-LEAD CLASS COUNSEL,
INTERIM LIAISON COUNSEL, AND INTERIM MEMBERS OF
PLAINTIFFS' EXECUTIVE COMMITTEE**

THIS MATTER having been presented to the Court by Plaintiffs¹ upon motion [ECF No. 57] for (1) the appointment of Erin Green Comite, Esq. of Scott+Scott, and Gary E. Mason, Esq. of Mason Lietz & Klinger LLP as interim² co-lead class counsel; (2) the appointment of Matthew R. Mendelsohn, Esq. of Mazie Slater Katz & Freeman as interim liaison counsel; and (3) for the appointment Charles E. Schaffer, Esq. of Levin, Sedran & Berman, Melissa R. Emert, Esq. of Kantrowitz, Goldhamer & Graifman, P.C., Jonathan Shub, Esq. of Shub Law Firm, Timothy J. Peter, Esq. of Faruqi & Faruqi LLP, Steven L. Bloch, Esq. of Silver Golub & Teitell LLP, and Jeffrey S. Goldenberg, Esq. of Goldenberg Schneider, LPA, as interim members of Plaintiffs' Executive Committee ("PEC"); and the Court having carefully reviewed the motion and its accompanying submissions and having also considered the factors outlined pursuant to Fed. R. Civ. P. 23(g); and Defendants' Plum PBC and Campbell Soup Company ("Defendants") having

¹ Plaintiffs in this consolidated action refers to Erin Smid, the named plaintiff in *Smid v. Campbell Soup Co.*, No. 1:21-cv-02417-NLH-SAK, Richard Chase and Stacey Chase, the named plaintiffs in *Chase v. Campbell Soup Co.*, No. 1:21-cv-04650-NLH-SAK, Emily Baccari, Jillian Geffken, Heather Hyden, and Mercedes Jones, the named plaintiffs in *Baccari v. Campbell Soup Co.*, No. 1:21-cv-04749-NLH-SAK, and Edwina Smith, the named plaintiff in *Smith v. Campbell Soup Co.*, No. 1:21-cv-08567-NLH-SAK.

² The Court has not determined whether to certify this action as a class action, as such all requested appointments shall be addressed on an interim basis pursuant to Fed. R. Civ. P. 23(g)(3).

no opposition to the motion [ECF No. 66]; and for good cause shown;

IT IS this **17th** day of **September 2021**, hereby **ORDERED** that Plaintiffs' motion [ECF No. 57] is **GRANTED** as follows:

1. The following attorneys, and their associated law firms, shall serve as Interim Co-Lead Class Counsel in the above-captioned action:

Erin Green Comite, Esq.
SCOTT+SCOTT ATTORNEYS AT LAW LLP
156 S. Main St., P.O. Box 192
Colchester, CT 06415
Tel.: (860) 537-5537
Fax: (860) 537-4432
ecomite@scott-scott.com

Gary E. Mason, Esq.
MASON LIETZ & KLINGER LLP
5101 Wisconsin Avenue, NW, Suite 305
Washington, D.C. 20016
Tel.: (202) 429-2290
Fax: (202) 429-2294
gmason@masonllp.com

2. The following attorney, and his associated law firm, shall serve as Interim Liaison Counsel in the above-captioned action:

Matthew R. Mendelsohn, Esq.
MAZIE SLATER KATZ FREEMAN
103 Eisenhower Parkway, 2nd Floor
Roseland, NJ 07068
Tel.: (973) 228-0391
Fax: (973) 228-0303
mmendelsohn@mazieslater.com

3. The following attorneys, and their associated law firms, shall serve as Interim Members of the Plaintiffs' Executive Committee in the above-captioned action:

Charles E. Schaffer, Esq.
LEVIN SEDRAN & BERMAN LLP
510 Walnut Street, Suite 500
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Tel.: (877) 882-1011
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Melissa R. Emert, Esq.
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Steven L. Bloch, Esq.
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4. Interim Co-Lead Class Counsel, in conjunction with the Plaintiffs' Executive Committee, as may be appropriate, shall have the following responsibilities during each stage of the action:

- a) General coordination of the effort of preparing and presenting all of Plaintiffs' claims in the above-captioned action, including, but not limited not, overseeing the

efforts of Plaintiffs' counsel so that all motion practice and pretrial discovery is conducted as effectively and efficiently as possible;

- b) Delegating work responsibilities and tasks to all Plaintiffs' counsel in the above-captioned action in such a manner as to promote the most efficient conduct possible as well as avoiding redundancies and unnecessary expense;
- c) Directing and executing on behalf of Plaintiffs the filing of pleadings and other documents with the Court in the above-captioned action;
- d) Arranging telephonic or in-person meetings with Plaintiffs' counsel in the above-captioned action for any purpose related to this litigation;
- e) Deciding the substance and form (with consultation with members of the PEC and other co-counsel as may be appropriate) of any presentation to the Court and opposing parties the position of the Plaintiffs in the above-captioned action on all matters arising during the course of this litigation (*i.e.* serving as the representative for all Plaintiffs when engaging with the Court or any party in the above-captioned action);
- f) Making appearances and speaking on behalf of Plaintiffs in the above-captioned action at all court hearings and conferences regarding the case and disseminating the substance of such communications among Plaintiffs' counsel in the above-captioned action;
- g) Communicating with the Court, Judge's chambers, and the Clerk of the Court (including receiving orders, notices, correspondence, and telephone calls) and disseminating the substance of such communications among Plaintiffs' counsel in the above-captioned action;
- h) Initiating and conducting discussions and negotiations with counsel for Defendants on all matters, including mediation or settlement; including, but not limited to entering into stipulations with counsel for Defendants, when necessary;
- i) Confirming that all Plaintiffs' counsel in the above-captioned action are operating in a speedy and cost-effective manner on behalf of Plaintiffs;
- j) Maintaining adequate and contemporaneous time and cost records covering services as Plaintiffs' Interim Co-Lead Class Counsel, collecting such information from Plaintiffs' co-counsel on a regular basis, and assessing Plaintiffs' counsel for the costs of the above captioned action;
- k) Preparing and distributing any status reports to the Court and to the parties as ordered;
- l) Recommending appropriate practices and procedures pertaining to attorneys' fees

and expenses for the Court, and continually enforcing those;

- m) Initiating, coordinating, and conducting all discovery on behalf of Plaintiffs in the above captioned action consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(2), and 26(g), including the preparation of joint interrogatories and requests for production of documents, the examination of witnesses in depositions and selection and retention of experts for Plaintiffs, as necessary; and
 - n) performing any such other duties that may be further directed by the Court.
5. Interim Liaison Counsel shall be responsible for maintaining and distributing to co-counsel an up-to-date service list, and otherwise assisting in the coordination of activities and positions as deemed appropriate by Interim Co-Lead Counsel.
 6. In no event shall any document be filed, or any discovery be served, on behalf of Plaintiffs' without the approval of Plaintiffs' Interim Co-Lead Class Counsel, or leave of Court, and any such filing may be stricken.
 7. This Order shall apply to all future actions filed in this District or transferred to this District that allege claims arising out of the same or substantially similar facts as alleged in this action.
 8. This Order is entered without prejudice to counsel's right to modify this Order to appoint new or different co-lead counsel, liaison counsel, or members to the PEC.

s/ Sharon A. King
SHARON A. KING
United States Magistrate Judge